REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	31 August 2000
Name of applicant/court:	Comptroller of Customs
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Bound & Gagged Issue 61
Other Known Titles:	Bound & Gagged Issue 61 November/December 1997
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Bob Wingate
Editor:	Bob Wingate
Format:	Magazine
Country of Origin:	USA
Language:	English

Components of film originally examined: Not Applicable.

Feature: Running time:

Trailers: Running time:

Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The magazine entitled *Bound & Gagged Issue 61* is classified as:
Objectionable.

The magazine centres on the depiction and description of sexual activity, specifically bondage activity, between consenting adult males.

The magazine is deemed objectionable under s3(2)(d) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act) because it tends to promote and support the use of urine in association with degrading conduct and sexual conduct. It does this by presenting articles, and to a lesser extent, advertisements, which describe the use of urine in association with degrading and sexual conduct in a manner which is intended to be sexually arousing to both the participants and the reader.

The New Zealand Bill of Rights Act 1990 (NZBR Act) has been considered in relation to this publication. As a deeming provision, s3(2) of the FVPC Act is evidence of Parliament's intention that publications to which those criteria apply should be banned. It is therefore not possible to give s3(2) an interpretation that is consistent with the freedom of expression contained in the NZBR Act. The classification of "objectionable" is the only restriction on the freedom of expression that is available to prevent injury to the public good, and which is consistent with Parliament's intention that publications such as *Bound & Gagged Issue 61* should be banned.

OFLC Ref: 189